REMARKS

Claims 1 through 21 are currently pending in the application.

This amendment is in response to the Office Action of April 5, 2005.

35 U.S.C. § 101 Double Patenting Rejection

Claims 1 through 9 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 10 through 13, and 28 through 32 of prior U.S. Patent 6,323,543 (hereinafter referred to as the `543 patent). Applicants respectfully traverse this rejection, as hereinafter set forth.

Applicants assert that a reliable test for statutory double patenting under 35 U.S.C. § 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the application. Is there an embodiment of the invention that falls within the scope of one claim, but not the other? If there is such an embodiment, then identical subject matter is not defined by both claims and statutory double patenting under 35 U.S.C. § 101 does not exist. *In Vogel,* 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

Applicants assert that no statutory double patenting under 35 U.S.C. § 101 exists between the embodiments of the inventions in presently amended independent claims 1 and 5 of the present application and the embodiments of the inventions set forth in corresponding independent claims 10 and 28 of the `543 patent. Applicants assert that the embodiments of the inventions set forth in presently amended independent claims 1 and 5 of the present application contain an element of the invention calling for "a substantially radiation transparent composite lead frame of a plastic material having a portion thereof including an intrinsic conductive polymer" and "at least one connector for attaching a portion of the at least one electronic device to a portion of the circuit card, the at least one electronic device comprising an integrated circuit die attached to a portion of a substantially radiation transparent plastic lead frame, the substantially radiation transparent plastic lead frame including an intrinsic conductive polymer" whereas the embodiments of the inventions set forth in corresponding independent claims 10 and 28 of the `543 patent do not. Therefore, no statutory double patenting exists between the embodiments of the inventions set forth in presently amended independent claims 1 and 5 of the present

application and corresponding independent claims 10 and 25 of the `543 patent because different embodiments of the invention are being claimed. Accordingly, presently amended independent claims 1 and 5 of the present application are allowable as well as dependent claims 2 through 4 and 6 through 9 therefrom.

Double Patenting Rejection Based on U.S. Patent 6,091,136

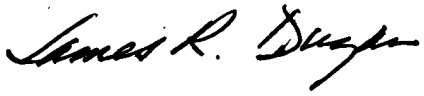
Claims 14 through 16, 18, 20 and 21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12, 17, and 22 through 24 of U.S. Patent 6,091,136. In order to avoid further expenses and time delay, Applicants elect to expedite the prosecution of the present application by filing a terminal disclaimer to obviate the double patenting rejections in compliance with 37 CFR §1.321 (b) and (c). Applicants' filing of the terminal disclaimer should not be construed as acquiescence in the Examiner's double patenting or obviousness-type double patenting rejections. Attached are the terminal disclaimer and accompanying fee.

After carefully considering the cited prior art, the rejections, and the Examiner's comments, Applicants have amended the claimed invention to clearly distinguish over the cited prior art.

Applicants submit that claims 1 through 21 are clearly allowable.

Applicants request the allowance of claims 1 through 21 and the case passed for issue.

Respectfully submitted,



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Date: July 5, 2005
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